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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,511	08/28/2003	Douglas B. Quine	F-658	6817
7590	11/02/2007		EXAMINER	
Pitney Bowes Inc. IP and Technology Law Department 35 Waterview Drive P.O. Box 3000 Shelton, CT 06484			HUBER, JEREMIAH C	
			ART UNIT	PAPER NUMBER
			2621	
			MAIL DATE	DELIVERY MODE
			11/02/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/650,511	QUINE, DOUGLAS B.	
Examiner	Art Unit		
Jeremiah C. Huber	2621		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 16 August 2007.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 5,10,11 and 16 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 5, 10-11 and 16 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 28 August 2003 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
    Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
    Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 10-11 and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer et al (3674924) in view of Dewey et al (3674926).

In regard to claim 5 Fischer discloses a system and method for acquiring an image of a moving item in a path in a mailing machine using an imaging device and an illumination source positioned relative to the path, wherein the image includes a discernible feature of the moving item, the imaging device having a field-of-view covering at least a portion of the path, the illumination sources capable of providing a flash of light for illuminating at least a part of the field-of-view of the imaging device, wherein the imaging device is capable of acquiring the image in at least one image frame at a time and providing at least one electronic signal indicative of a sync pulse in synchronization with said image acquiring (Fischer Figs 1-2 and col. 2 line 34 to col. 4 line 55) including:

providing a triggering signal based on the electronic signal (Fischer Figs 1-2 and col. 4 lines 42-45 note flash is delayed by one field scan time).

in response to the triggering signal, causing the illuminating source to provide the flash of light for illuminating the moving item at least partially entering the field-of-view (Fischer Figs. 1-2 and col. 2 lines 57-60);

acquiring the image of the moving item while it is illuminated by the flash of light, wherein the flash of light has a flash duration sufficiently short as compared to the motion of the moving item so as to produce a discernable feature (Fischer col. 2 line 60 to col. 3 line 14 note col. 2 line 63 for discernable feature and col. 3 lines 8-14 for flash duration);

wherein the imaging device includes a video camera (Fischer Fig. 1 20 note T.V. camera); and

providing a sensing signal when the moving item having reached a predetermined point in the field-of-view of the image device, wherein the triggering signal is provided also based on the sensing signal (Fischer Figs 1-2 12 and col. 2 lines 48-54 note trailing edge detector initiates sequence to energize flash lamps).

Fischer further discloses sync pulses provided at a field rate (Fischer Fig. 2 note FIELD\_SYNC) which is two sync pulses per frame (Fischer Fig. 2) and further discloses selecting one pulse to use as the sync pulse (Fischer Figs 1-2 and col. 4 lines 42-45 note flash is delayed until the next field scan which could be either field pulse). It is noted that Fischer does not disclose that the sync pulse is generated by the camera but is rather generated externally by a recorder clock. However at the time of the invention it was common and notoriously well known in the art at the time of the invention to include a sync pulse generator within a video camera as is evidenced by Dewey (Dewey Fig. 1

16 and col. 2 lines 49 to 71). It is therefore considered obvious that one of ordinary skill in the art would recognize the advantage of including a sync pulse generator in the video camera disclosed by Fischer in order to reduce necessary circuitry, and ensure synchronization with video output.

Further, even if it were not well known in the art to have a video camera provide sync pulses, the invention of would merely differ from Fischer by a physical arrangement of parts. That being that the sync pulse generator is located external to the camera instead of integrated into it. Such distinctions are held to be obvious engineering choices, and the invention of claim 3 would therefore be unpatentable over Fischer. See *In re Larson*, 144 USPQ347 (CCPA1965), *In re Lockhart*, 90 USPQ 214 (CCPA1951), and *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

In regard to claim 11 refer to the statements made in the rejection of claim 5 above.

In regard to claim 10 refer to the statements made in the rejection of claim 11 above. Fischer further discloses that the detection mechanism includes a photosensor (Fischer Fig. 1 16 and col. 2 lines 48-54).

In regard to claim 16 refer to the statements made in the rejection of claim 5 above.

***Response to Arguments***

Applicant's arguments filed 8/10/2007 have been fully considered but they are not persuasive.

In response to the applicant's arguments the applicant asserts that Fischer does not disclose the same arrangement as the application because Fischer col. 4 lines 40-41 discloses that the letter transport system and the television camera electronics are not synchronized. The examiner disagrees. While the cited portion of Fischer is noted, the claims do not require that the camera and the motive portions of the mailing machine are synchronized rather the claim requires that the video camera and flash are synchronized which Fischer discloses in col. 4 lines 42-45.

In response to the applicant's assertion that the examiners official notice is insufficient the examiner has cited Dewey which shows a video camera that includes a synchronization circuit as required by the claims.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremiah C. Huber whose telephone number is (571)272-5248. The examiner can normally be reached on Mon-Fri 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571)272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeremiah C Huber  
Examiner  
Art Unit 2621

Application/Control Number: 10/650,511  
Art Unit: 2621

Page 7

~~PRIMARY EXAMINER~~